



- CITY OF BIGGS -
PLANNING DEPARTMENT STAFF REPORT

465 C Street /
P.O. Box 1134
Biggs, CA 95917

PHONE: (530) 868-5493
FAX: (530) 868-5239

DATE: March 15, 2011
TO: Honorable Mayor and Members of the City Council
FROM: Scott Friend, AICP, City Planner
SUBJECT: Department Activity Report – February/March 2011

DEPARTMENT ACTIVITY SUMMARY – February/March 2011

Department News/Information:

General Plan Element Review Workshops – CANCELLATION of March Study Session: The City Planner / PMC has requested that the previously scheduled City Council study session planned for 4:30pm on March 21st be **cancelled** and re-scheduled in May. Staff will provide additional details to the Council concerning this request during the report from the Planning Department at the March meeting.

On-Site Contract Staff Days/ Agency Meetings / Code Enforcement Activity:

- Tuesday, March 1st – Code enforcement field work
- Wednesday, March 16th – Code enforcement field work
- Monday, February 28th and March 21st – Regular City Council Meetings

Major Projects Activity Report:

1. *General Plan 2035 Update:*
PMC is continuing to make progress in the preparation of the draft Biggs 2035 General Plan Elements. As noted above in the Department news/information section, the planned study session in March will be planned to be rescheduled for May and the planned study session in April will continue as planned.

Monthly Department Activity Report:

2. *Site Plan Reviews / Planning Services Activities:*
 - The Planning Department has not received any new planning applications during the reporting period and has not approved any permits (fence, use, etc.) during the reporting period.
3. *Butte County Building Permit Issuance Co-ordination:*
 - No building permits were issued by the Butte County Building Division in the City of Biggs during the reporting period.

4. *Biggs Municipal Code Amendment – Article 6: Public Health and Safety:*

Staff is preparing to amend the City's Code Enforcement letters to reference the recently adopted revisions to the Article 6 – Public Health and Safety. The effective date of the new Ordinance is March 31st. City Hall staff has posted the text of the revised public health and safety code on the City's website and have provided a copy of the revised Ordinance to the City's on-line municipal code service for updating. Planning and Code Enforcement staff will continue to work with the City Attorney and City Administrator to implement the new provisions of the Ordinance. Staff will provide updates to the City Council concerning the implementation of the Ordinance in the coming months.

As previously discussed with the City Council, various changes have been made to the City's Code Enforcement violation letters in the past 60-days. The following specific changes have been made:

- Violation photo(s) added to letter;
- Narrative text reduced to shorten letter and enhance readability;
- Information concerning fines added to letter; and,
- A handout has been created and is included with all violation letters to provide information concerning the code enforcement appeals process.
- Additionally, staff has prepared a "thank you" or follow-up acknowledgement letter to recognize residents who have positively addressed the violation letter.

A copy of the revised code enforcement violation letter and the "thank-you" letter has been attached for the Council's review with this report.

5. *North Biggs Estates / CHIP Proposal to City of Biggs:*

Street/roadway barriers have been installed at project entryways and CHIP has been provided with keys for access to the project interior. City staff has been working with, and consistently updating, the CHIP project team members about this work.

6. *Landscape Irrigation Code Amendment:*

Based upon the input provide by the Council and members of the public at the February City Council meeting, and following additional dialogue between the City Attorney, City Administrator and the City Planner, staff is not forwarding a draft of a Water Efficient Landscape Ordinance (WELO) to the City Council for formal action at this time. Staff is continuing to look at options available to the City that are less intrusive and less burdensome to project applicant and residents as a way to address this issue locally. Staff will provide additional details to the City Council at the March City Council meeting if information or an approach to address this issue is identified following the publication of this report.

7. *Proposition 218 Notices:*

Planning staff assisted City Hall staff in the identification and assembly of property owner information for distribution of the required Proposition 218 notices for the pending water rate increases in the City.

Code Enforcement Summary Report:

During the last reporting period (council meeting-to-council meeting period), code enforcement staff have initiated 8 new code enforcement violation cases and first violation letters have been provided to all addresses for which a case was opened. Five (5) second notices of violation have been prepared and mailed and 3 follow-up "thank you" letters have been prepared and distributed. Over the past 30-day period, 6 active cases have been closed through successful abatement of the nuisance or violation condition by the property owner.

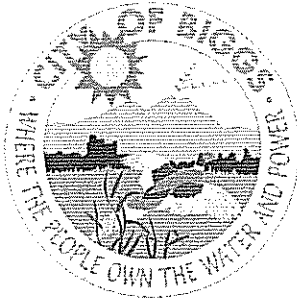
As noted to the City Council at the February Council meeting, staff identified and contacted the owners of four RV's or travel trailers that appeared to be in use for active residential purposes. In all cases, the owners of the vehicles indicated that the vehicles were not being used for a residential purpose. Staff will continue to monitor this activity in the coming months. Additionally, staff has noted and forwarded onto the Gridley-Biggs Police Department three occurrences of vehicles or trailers being parked illegally in the City right-of-way. Staff will continue to work with the Police Department to address these violations.

1. *3069 Eighth Street (Burke-Trent) - Follow-up Discussion and Direction:*

At the January 2011 City Council meeting, staff addressed with the Council the status of Code Enforcement case #07-2010BLDCOND (Burke-Trent) and requested Council direction as to how to proceed towards a resolution of the case. At that time, staff's recommendation was to place a lien of the property in the amount of the accrued fines (\$850) plus an amount necessary to cover staff time expended on the case and recommended that Council extend the term of the abatement agreement an additional 60-days to provide an additional opportunity for abatement. Staff also requested advanced authorization from the Council to seek an abatement order from the Superior Court at the end of the additional compliance period (see attached January staff report) if the violations were not abated. During the discussion, staff and the Council provided direction to the property owner addressing those items necessary to achieve compliance with the City's abatement action. Following the Council's discussion, staff was directed to extend the term of the abatement agreement for an additional sixty-day period and to refrain from the placement of any liens on the property. The additional sixty-day period concludes on March 31st and staff is seeking direction from the Council on how to proceed on this matter. As of the writing of this report, staff has not observed any forward movement towards the completion of the items discussed at the January meeting.

Attachments:

- Revised Code Enforcement Letter Examples (2)
- Monthly Building Permit Update Information
- Staff Report from dated January 24 regarding Code Enforcement case #07-2010BLDCOND (Burke-Trent)



City of Biggs - Dept. of Planning
465 C Street / P.O. Box 1134
Biggs, CA 95917
(530) 868 -5447

-SECOND NOTICE-

**NOTICE OF INTENT TO ABATE A PUBLIC NUISANCE
- FOURTEEN (14) DAY NOTICE -**

Date: March 15, 2011

To: Mr. John Doe
PO Box XYZ / 123 X Street
Biggs, CA 95917
Assessor Parcel Number: 000-000-000

RE: Code Compliance Case Number: 031511-N-100

SUBJECT: Debris / Materials in Front Yard – 123 X Street

Dear Property Owner / Resident:

The City of Biggs has determined that a violation of the City of Biggs Municipal Code exists at **123 X STREET, BIGGS.**

Please be advised that this is the second notice of this violation sent to you, the first having been sent February 28, 2011.

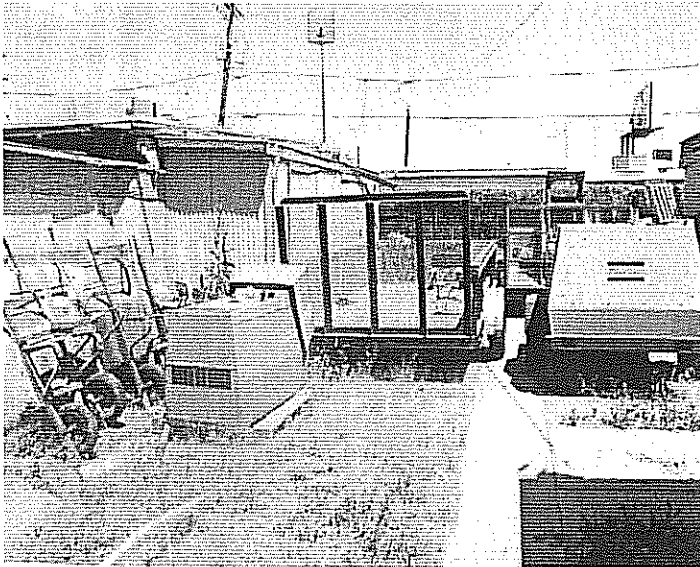
Specifically, the City of Biggs has determined that a violation of Biggs Municipal Code section 6.25.020(1)(a) – Unlawful Property Nuisance - Private Property exists on the property:

It shall be unlawful for any person owning, leasing, renting, occupying or having charge or possession of private property in the city to maintain or to allow to be maintained such property in such manner that any of the following conditions which are visible from the street are found to exist thereon, except as may be allowed by this code:

(1)Unlawful Outdoor Storage

(a) The accumulation of abandoned discarded, or dilapidated objects which constitutes a threat to the general public's health safety, welfare, including but not limited to: junk; abandoned, wrecked, dismantled, or inoperative vehicles; vehicle parts and equipment; machine parts; scrap material, appliances, furniture, household equipment and furnishings, shopping carts containers, packing materials, scrap metal, wood, plant cuttings, rubbish, and debris.

At this time, various objects listed in Section 6.25.020(1)(a) exist in the front yard (as seen in photo below) and are visible from the public street. In order to abate the above violation, those objects will have to be removed from the property, or made to not be seen from the street.



This *second notice* is being sent to provide notice of the City of Biggs' intent to initiate abatement proceedings for the abatement of the public nuisance and to notify you that the City code establishes that the owner of the property can be held liable for all costs incurred as part of the abatement process. Please note that it is the intent of the City of Biggs to initiate the institution of civil fines against the property fourteen (14) days following the date shown at the top of this letter.

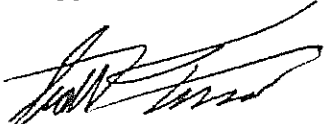
Please be aware you are subject to the following fines should the property not be abated by the following dates:

Date	Abatement Interval	FINE (Each Interval)	Cumulative Fine
March 22, 2011	Failure to Abate within 14 Days	\$100.00	\$100.00
April 5, 2011	Failure to Abate within 28 Days	\$250.00	\$350.00
April 19, 2011	Failure to Abate within 42 Days	\$500.00	\$850.00

Note: See enclosed flyer regarding your right to appeal this violation. Requesting a hearing does not stop the deadlines or fines.

Please be advised that City Staff are available to discuss this matter with you and will work with you to resolve this issue in a manner amenable to both you and the City. If you have questions about this letter or the items at issue, please contact Pete Carr, City Administrator or Scott Friend, City Planner at (530) 868-5447, **no later than March 30, 2011** to discuss this matter. Please note that in order to determine the compliance status of the site referenced above, a site inspection may be required.

Sincerely,
City of Biggs Planning Department

By: 

Scott Friend, AICP
City Planner

cc: Case file
Property owner of record

Right to Appeal:

You have the right to appeal this code violation. The time for appeal shall expire after the tenth day following the time that service of the administrative citation is complete. All fines shall be imposed as a civil debt to the city and may be enforced as a lien upon any real property the subject of the citation. The debt may be enforceable by way of civil action. An action may be commenced in the name of the city in any court competent jurisdiction for the collection of the amount of any such delinquent or unpaid fine or fee, with any penalties applicable thereto as prescribed by this title or other enactment. The remedy prescribed by this action shall be cumulative, and the use of an action to collect such an amount as a debt by civil action shall not bar the use of any other remedy provided by this title or as otherwise provided by law.

If the nuisance is not abated as ordered within said abatement period, the Code Enforcement Officer shall cause the nuisance to be abated by City employees or private contract. In appropriate circumstances, the Code Enforcement Officer shall request the City Attorney to obtain all necessary approval for entry onto the subject premises for abatement purposes. The cost, including administrative costs, and other incidental expenses, for abating the nuisance shall be billed to the owner and shall become due and payable 30 days thereafter.

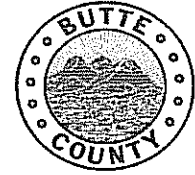
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3/14/2011
6:07:30PM

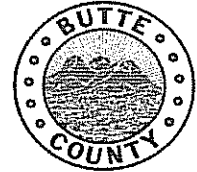
Butte County
Department of Development Services - Building Division (City of Biggs)
Permits Applications in the City of Biggs- Summary by Type and Subtype
For the Period 2/1/2011 thru 2/28/2011



Type / SubType	# of Permits Issued	Valuation of Work
MECH ELECTRIC PLUMB	1	\$5,000.00
HVAC C/O RESIDENTIAL	1	\$5,000.00
MISCELLANEOUS	4	\$44,523.92
AWNING/CANOPY/CARPT	1	\$12,673.92
DEMOLITION	1	\$26,850.00
REMODEL	1	\$1,000.00
SIDING/STUCCO	1	\$4,000.00
Totals:	5	\$49,523.92

3/14/2011
6:09:18PM

Butte County
Department of Development Services - Building Division (City of Biggs)
PERMITS ISSUED IN City of Biggs - Summary by Type and Subtype
For the Period 2/1/2011 thru 2/28/2011



Type / SubType	# of Permits Issued	Valuation of Work	Fees Charged
MECH ELECTRIC PLUMB	1	\$5,000.00	\$124.00
HVAC C/O RESIDENTIAL	1	\$5,000.00	\$124.00
MISCELLANEOUS	3	\$31,850.00	\$923.50
DEMOLITION	1	\$26,850.00	\$382.00
REMODEL	1	\$1,000.00	\$413.50
SIDING/STUCCO	1	\$4,000.00	\$128.00
RESIDENTIAL	1	\$144,178.26	\$3,181.90
SFD-CUSTOM/MODEL	1	\$144,178.26	\$3,181.90
Totals:	5	\$181,028.26	\$4,229.40

CITY OF BIGGS
PLANNING STAFF REPORT

465 C Street /
P.O. Box 1134
Biggs, CA 95917

PHONE: (530) 868-5447
FAX: (530) 868-1124

TO: Honorable Mayor and Members of the City Council

DATE: January 24, 2011

FROM: Scott Friend, AICP, City Planner

THROUGH: Pete Carr, City Administrator / Greg Einhorn, City Attorney

SUBJECT: 3069 Eighth Street (Burke-Trent) – Code Enforcement Case#07-2010BLDCOND:
Status Update

SUMMARY

On October 19, 2010, the City of Biggs Code Enforcement Officer entered into a formal code enforcement Abatement Agreement, pursuant to the recommendation of the City Council, with Ms. Eileen Burke-Trent, the owner of the property located at 3069 Eighth Street (APN 001-173-006). The Agreement sets-forth a description of the code violations on the property, establishes a list of tasks and accomplishments necessary to abate the described code violations and set forth a time line for the completion of the task (see **Attachment A**). Specifically, the Agreement extended the period of time for the abatement of the violations on the property and directed that all fines resulting from the violations on the property be placed in abeyance pending the successful abatement of the violations on the property. The term of Agreement totaled 75 days during the period starting on October 19, 2010 and terminating on January 3, 2011. The term of the agreement has now ended and staff is seeking to update the Council on the current disposition of the case and to get direction from the Council on how to proceed at this time.

BACKGROUND / DISCUSSION

As outlined above, the City of Biggs Code Enforcement Officer, Erin Dougherty, entered into a nuisance Abatement Agreement with Ms. Eileen Burke-Trent, the owner of the property located at 3069 Eighth Street, on October 19, 2010 after a prolonged period of non-compliance on the part of the property owner with the City's code violation notices. Starting in 2009 and continuing on both a formal and informal basis until July of 2010, when the City issued a second *Notice to Abate a Public Nuisance*, as required by the provisions of Title 6 – Public Health and Safety, Chapter 6.25 Health and Safety Nuisance Abatement, the City has attempted to work with the owners of the property to address chronic and on-going code enforcement violations on the property. The term of the nuisance Abatement Agreement signed by both parties was 75-days and ended on January 3, 2011. Pursuant to the terms of the agreement, the property owner was to have completed the following tasks by the end of the Agreement term:

- Remove all junk, debris, rubbish, equipment, vehicle parts, scrap metal, yard clippings, household equipment, and other equipment not otherwise properly stored and/or screened in a manner allowed by the Biggs Municipal Code.
- Vegetation maintenance activities shall be undertaken such that all vegetation shall be made to be in conformance with the Biggs Municipal Code.
- Any and all hazardous materials shall be removed from the site in compliance with State, county and local requirements for removal and disposal.
- All building to be secured, awnings to be made structurally sound, and foundation to be secured.

As of the time of the writing of this report, the applicant has made an effort to comply with the terms of the Agreement but has not completed the task. Staff would note that vegetative debris has been removed from the site, weeds and vegetation have been cut and/or removed, a portion of a dilapidated out-building has been removed from the site, trash and debris have been removed and efforts have been made to secure the foundation openings of the main structure on the site. While this represents a significant step forward towards addressing the noted violations, the property is not yet in a condition that would give rise to a determination of compliance.

STAFF RECOMMENDATION

Staff is recommending that the Council direct staff to move forward with the placement of a lien in the amount of the accrued fines on the property (\$850) and in an amount necessary to cover the City's costs associated with the additional items noted below (building condition inspection and any and all staff time related to future code enforcement and legal action) and to continue to work with the property owner for a period of sixty (60) additional days to complete the abatement of the violations on the property. Further, staff is recommending that if all abatement activities are not completed within the additional sixty (60) day period (starting retro-actively on January 3, 2011), the Council direct staff to contract with the Butte County Building Official to inspect the structure for structural issues and make a determination of habitability and to concurrently file a legal action with the Butte County Superior Court compelling the owner to complete the nuisance abatement tasks outlined in the Agreement.

- Attachment A – Signed nuisance Abatement Agreement
- Attachment B- Site Condition Photos (provided separately)